

FORTY-EIGHTH DAY

(Wednesday, April 27, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent—Excused

Aikin Ashley

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Cousins, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Ashley was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Aikin was granted leave of absence for today on account of a death in the family on motion of Senator Proffer.

Reports of Standing Committees

Senator Tynan submitted the following reports:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 357, have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 304, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 756, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 396, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 479, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 114, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 724, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 768, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 329, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 298, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 130, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 418, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 269, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 417, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but the Committee Substitute be passed in lieu thereof and be printed.

AIKIN, Chairman.

C. S. H. B. No. 417 was read first time.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 570, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,
April 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred H. B. No. 337, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator McDonald submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred House Bill No. 701 for consideration, have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass as amended.

McDONALD, Chairman.

Senator Harris submitted the following reports:

Austin, Texas,
April 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred House Bill No. 665 by Cannon, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARRIS, Chairman.

Austin, Texas,
April 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred House Concurrent Resolution No. 18, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARRIS, Chairman.

Senator Corbin submitted the following report:

Austin, Texas,
April 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 444 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Senate Bill 455 on First Reading

Senator Bell moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Cousins	Lock
Harris	

Absent—Excused

Aikin	Ashley
-------	--------

By Senator Bell:

S. B. No. 455, A bill to be entitled "An Act providing for the annexation by petition of unoccupied lands adjacent to cities or towns having a population of not less than 2315 persons nor more than 2400; and declaring an emergency."

To Committee on Counties and County Boundaries.

Petition Referred

The Chair announced the receipt of a petition from Marvin Heinatz relative to an opinion rendered by the supreme court with respect to the mineral rights in certain lands and stated that the petition would be referred to the Committee on Civil Jurisprudence.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 80, Providing for a committee to study the criminal code.

S. C. R. No. 36, Relative to the appointment of a Committee of twenty-two (22) members to study the Water Laws and Rights of this State, etc.
(With amendments.)

S. J. R. No. 1, Proposing an amendment to Section 2 of Article VI of the Constitution, repealing the provision making the payment of a poll tax a qualification of an elector; requiring the Legislature to pass a general registration law for voters, etc.

(With amendments.)

The House has refused to concur in Senate amendments to H. B. No. 467 and requests the appointment of a conference committee to adjust the differences between the two Houses on the bill. The following have been appointed on the part of the House: Tinsley, Swindell, Clifton, Caston, Daniel.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Conference Committee on H. B. 467

Senator Morris called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 467.

Senator Morris moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President pro tempore appointed the following conferees on the bill on the part of the Senate: Senators Morris, McDonald, Cousins, Lane and Aikin.

Report of Conference Committee on House Bill 120

Senator Bell submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 120, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

BELL
ASHLEY
MOORE
STRAUSS
CORBIN

On the part of the Senate.

LUEDEMANN
FLY
LEWIS
JOHNSON
STOREY

On the part of the House.

H. B. No. 120

By: Luedemann

A BILL**TO BE ENTITLED**

"An Act placing all state parks and all state historical parks, now under the control and custody of the State Board of Control except the San Jacinto State Park, the San Jacinto Memorial Tower, the Battleship Texas, and Fannin State Park, under the control and custody of the State Parks Board, under the authority conferred upon the State Parks Board by existing laws; providing that all laws which are in conflict, in whole or in part with this Act, are hereby repealed, including Articles 677, 6074, 6075, 6076, 6077, 6077a, and 6077i, of the Revised Civil Statutes of Texas; providing for the transfer of all appropriations made for the historical parks to the State Parks Board; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That all state parks and all historical parks now designated as state parks or historical parks, which specifically includes Goliad State Park, Gonzales State Park, Kings State Park, Governor James Stephen Hogg Memorial Shrine, Lipantitlan State Park, Washington State Park, Acton

Park, and Monument Hill State Park, now under the control and custody of the State Board of Control, except the San Jacinto State Park, the San Jacinto Memorial Tower and the Battleship Texas, which shall continue to remain under the supervision and control of the State Board of Control, subject to the provisions of Articles 6071, 6072, and 6073, Revised Civil Statutes of Texas; Senate Concurrent Resolution No. 18, Acts of 1941, 47th Legislature, Regular Session; and House Concurrent Resolution No. 83, Acts of 1947, 50th Legislature, Regular Session, shall be and are hereby placed under the control and custody of the State Parks Board under the authority conferred upon such Board by Article 6067 of the Revised Civil Statutes of Texas, as amended by Section 1, Chapter 345, of the Acts of the 45th Legislature, Regular Session of 1937; Article 6068 of the Revised Civil Statutes of Texas, as amended by Section 1, Chapter 174, of the Acts of the 45th Legislature, Regular Session of 1937, and as later amended by the Acts of the 46th Legislature, Regular Session of 1939, page 516; Article 6069 of the Revised Civil Statutes of Texas, as amended by Section 1, Chapter 175, of the Acts of the 45th Legislature, Regular Session of 1937; and other statutes specifically setting out and defining the rights, powers and duties of the State Parks Board.

Section 2. All laws which are in conflict, in whole or in part, which specifically includes Articles 677, 6074, 6075, 6076, 6077, 6077a, and 6077i are hereby repealed. Articles 6071, 6072 and 6073, Revised Civil Statutes of Texas; Senate Concurrent Resolution No. 18, Acts of 1941, 47th Legislature, Regular Session; and House Concurrent Resolution No. 83, Acts of 1947, 50th Legislature, Regular Session, are not intended to be affected by this Act. All appropriations heretofore made either in or by reference to the historical state parks are hereby in all things ratified and confirmed in behalf of the Texas State Parks Board.

Section 3. The fact that many of the state parks and state historical parks were placed under the control and custody of the State Board of Control before creation of the State Parks Board by Article 6067, Revised Civil Statutes of Texas, as amended, and the further fact that all such state parks and state historical parks can

be better controlled and administered by the said State Parks Board rather than by two or more boards, bureaus or commissions, some of which cannot devote as much time as is necessary to the efficient operation and maintenance of said parks, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Carney	Harris
--------	--------

Absent—Excused

Aikin	Ashley
-------	--------

House Bill 99 Re-referred

Senator Morris moved that H. B. No. 99 be withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Insurance.

Senator Hardeman moved to table the motion to re-refer.

The motion to table was lost by the following vote:

Yeas—6

Hardeman	Martin
Kelley of Hidalgo	Proffer
Lane	Weinert

Nays—21

Bell	Carney
Bracewell	Colson
Bullock	Corbin

Cousins	Moore
Harris	Morris
Hazlewood	Phillips
Jones	Shofner
Kelly of Tarrant	Strauss
Lock	Taylor
McDonald	Vick
Moffett	

Absent

Hudson	Tynan
--------	-------

Absent—Excused

Aikin	Ashley
-------	--------

Question recurring on the motion to re-refer, it prevailed.

Senate Joint Resolution 1 with House Amendments

Senator Kelley of Hidalgo called S. J. R. No. 1 from the President's table for consideration of the House amendments to the resolution.

The President pro tempore laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate concur in the House amendments.

Senator Morris moved that the Senate do not concur in the House amendments to the resolution and that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

Senator Kelley of Hidalgo moved to table the motion.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Bell	Lock
Carney	Martin
Colson	Moffett
Corbin	Moore
Hazlewood	Phillips
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan

Nays—13

Bracewell	Harris
Bullock	Hudson
Cousins	Lane
Hardeman	McDonald

Morris	Vick
Proffer	Weinert
Shofner	

Absent—Excused

Aikin	Ashley
-------	--------

Question then recurring on the motion of Senator Kelley of Hidalgo to concur in the House amendments to the resolution, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Bell	Martin
Carney	Moffett
Corbin	Moore
Harris	Phillips
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Lock	Tynan

Nays—13

Bracewell	McDonald
Bullock	Morris
Cousins	Proffer
Hardeman	Shofner
Jones	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Colson	Hudson
--------	--------

Absent—Excused

Aikin	Ashley
-------	--------

(President in the Chair)

Senator Proffer moved to reconsider the vote by which the motion to concur was lost and asked to have the motion to reconsider spread on the Journal.

Committee to Escort Honorable William C. Bullitt to Joint Session

Pursuant to S. C. R. No. 34, the President announced the appointment of the following committee on the part of the Senate to escort the Honorable William C. Bullitt to the joint session on April 27th, 1949: Senators: Bracewell, Proffer, Strauss, Vick, Taylor and Moffett.

Bills Ordered Not Printed

On motion of Senator Taylor, it was ordered that H. B. No. 570 be not printed.

On motion of Senator Cousins, it was ordered that H. B. Nos. 738, 739 and 740 be not printed.

House Concurrent Resolution on First Reading

The following House Concurrent Resolution, received from the House, was read first time and referred to the committee indicated:

H. C. R. No. 80, to Committee on Criminal Jurisprudence.

Bill Recommitted

On motion of Senator Bullock, H. B. No. 654 was recommitted to the Committee on Highways and Motor Traffic.

House Bill 58 Set as Special Order

Senator Carney moved that House Bill No. 58 be set as a special order for Wednesday, May 4, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—22

Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Colson	Lock
Corbin	McDonald
Cousins	Moffett
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Tynan
Jones	Vick

Nays—2

Martin	Moore
--------	-------

Absent

Bell	Taylor
Shofner	Weinert
Strauss	

Absent—Excused

Aikin	Ashley
-------	--------

Joint Session

(To hear address by Honorable William C. Bullitt)

At 11:00 o'clock a.m., the President announced that the hour fixed for a Joint Session of the Senate and House of Representatives to hear an address

by Honorable William C. Bullitt had arrived, and he requested all Senators present to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the bar of the House, and the Senators were admitted and escorted to seats prepared for them along the center aisle.

Upon invitation of the Speaker, the President occupied a seat on the Speaker's rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

Speaker Durwood Manford called the House to order and ascertained and announced the presence of a quorum of the House.

Honorable William C. Bullitt, Governor Beauford H. Jester, General K. L. Berry and Marshal K. M. Guthrie were escorted to the Speaker's stand by Senators Bracewell, Proffer, Strauss, Vick, Taylor and Moffett on the part of the Senate and Representatives Bradshaw, Stovell and Murray on the part of the House.

Speaker Manford presented Governor Beauford H. Jester who introduced Honorable William C. Bullitt, former Ambassador to Russia, to the Joint Session.

Mr. Bullitt then addressed the Joint Session as follows:

Your invitation to me to address you today I value as an exceptional honor. For Texas is both a great State and a great state of mind,—the state of mind of men who know that the good life is the free life, that the adventure of life is in striving, making mistakes, striving again, and bending circumstances by human will.

In these days of atomic energy and jet planes, history has become the biography of the impossible. Texans—from Sam Houston to Jesse Jones—have always known they could accomplish the impossible. And if we are to bring to fulfillment the promise of American life, in spite of the enemies who are striving to destroy us, it will be because we, as a nation, begin to act with the spirit which is yours in Texas.

What is the threat that we face today?

The Soviet Government is direct-

ing all the forces of world Communism toward the objective of conquering not only Europe, Asia, Africa and Latin America but also the United States. Stalin, like Hitler, will not stop. He can only be stopped. We can not get off this earth. Therefore, we shall have to stop him or submit to his rule. Our forefathers came to this continent because they would submit to no master but God. We will not submit to Stalin.

What then lies before us? War?

Our chance to preserve our freedom without fighting has decreased each day since the close of the Second World War. We never had a chance, of course, to achieve lasting peace by appeasing Stalin. The Communist Creed demands the installation of Communist dictatorship throughout all the world. And Stalin embraces a free country in pretended friendship only in order to get close enough to strangle it.

We did have a chance during the war, when the Soviet Union was dependent for survival on Lend-Lease aid, to make certain that the countries we were liberating from the Nazis and the Japanese would not be enslaved by Stalin. But we did not use our power while we had it, and Stalin mounted the saddles of both Hitler and the Japanese militarists.

We had a chance also at the close of the war to build up throughout the world such moral and physical force against Soviet Imperialism that Stalin would have stopped his aggressions in fear. But our Government was still wandering, like Alice, in a wonderland created by communist propaganda: a wonderland in which the Soviet Union was a "peace-loving democracy" and the Chinese Communists were "mere agrarian reformers" who had no connection with Moscow. So we threw away most of the arms we had manufactured at considerable cost and destroyed the arms we had captured, and demobilized, and waited for the United Nations to bring us peace.

Meanwhile, Stalin clamped a stranglehold on 120 million Europeans, and set out to conquer Asia. Our Government did not wake up till he threatened to invade Turkey. Then it began to realize that it must do something to prevent him from taking over the Near East and the rump of Europe which was still outside his grasp. But it did not awake sufficiently to make the small effort which was then

necessary to prevent his conquest of China. In consequence, Stalin has grown so strong that it will no longer be easy to build up the overwhelming force necessary to convince him that he had better not, at some future date, risk war. And it will certainly be impossible if we leave the initiative in the cold war in Stalin's hands. No war—hot or cold—was ever won by defensive action. Yet we are leaving the offensive to Stalin.

Today, using his Chinese accomplices as instruments, Stalin is conquering China. The Chinese nationalists, our friends, the same men who fought as our allies against the Japanese, abandoned today by us, are still fighting a desperate fight to preserve the independence of their country. And our Government is saying that we must sit by and watch Stalin add 450 million Chinese to his war potential.

The most conspicuous triumph of Soviet psychological warfare has been the gradual perversion of American policy toward China. Roosevelt and Hull rightly believed that control of China by a Power which might become hostile to us would constitute such a threat to the security of the United States that we must prevent it—by war if necessary. On the basis of that conviction we got into the Second World War. And our fighting men by defeating Japan won for us what might have been security on the Pacific side. But the 1941 policy of Roosevelt and Hull has been reversed, although the Communist threat to our country is far more dangerous than the Japanese threat ever was. We are allowing a Power which is hostile to us to conquer China, and thus we are making certain the coming of a Third World War.

Moreover, we are doing this in spite of the fact that no ranking American General has been able to devise any method by which we could compel the Soviet Government to surrender if the 450 million Chinese should be added to the Soviet war-potential. We could destroy Russian cities with the atomic bomb; but the idea that the Russians would sue for peace if we would destroy their major cities is illusion. They are made of tougher stuff than that, and they would continue to fight even though they might have to retreat into the wilds of Siberia and China.

The confidence of Americans in the atomic bomb is beginning to resemble

the confidence of the French in the Maginot Line. Many Americans believe that because we have the bomb we are certain to win a war against the Soviet Union. That is not true. We would run into great difficulties with Soviet fighter planes in our attempts to deliver the bomb, and it is not an efficient weapon against dispersed bodies of men. Unless we are more exact in our thinking, our overconfidence in the atomic bomb may become as fatal to us as overconfidence in the Maginot Line was to France. Without Chinese allies, or a new weapon of mass destruction as deadly to groups of men as the atomic bomb is to cities, we would not have the men or the means to root the Communists out of Siberia and the Far East. We have no such new weapon, and we are permitting Stalin to make the Chinese his allies.

One of the healthiest traditions of our country is that when a General loses an army or a division through incompetence he is court-martialled. But the officials of the Department of State lose whole countries and even continents through incompetence, and receive not dismissals but promotions. We are today in a struggle not for security but for survival. We owe that bitter fruit of our victory in the Second World War to the men who based our foreign policy on the lie that the Soviet Union was a "peace-loving democracy" and the brother lie that the Chinese Communists were mere "agrarian reformers" who had no connection with Moscow. The State Department and the Foreign Service are still rancid with those men.

They are now advising our President that we should wash our hands of China—in spite of the fact that the Chinese Communist leader Mao Tse-Tung announced on the third of this month that Communist China would fight as the ally of the Soviet Union against the United States. Our President can try to wash his hands of China but he cannot wash them clean. Unless we oppose Communist conquest of China we assent to it. And our children will face assault by overwhelming masses of Communist-driven slaves. Pontius Pilate washed his hands but the world has never forgiven him. History does not forgive craven evasions—whether by Roman Governors or American Presidents.

China is the key to all Asia. If

China goes, Indo-China, Siam, Burma, the Malay States and Indonesia will fall into the hands of the Communists. India will be at Stalin's mercy, and the Japanese who depend on Asia for raw materials and food, and markets for their products, will know that they can become self-supporting only by crawling under Stalin's iron curtain and making their country a Soviet satellite. The Japanese and many other Asiatics are already beginning to say that to be a friend of the United States is too dangerous. Our present policy in Asia is defeatism—scuttle and run. We are in full retreat—in abject flight—and Stalin is advancing triumphantly.

But Europe—can we not congratulate ourselves on our European policy? Have we not seized the initiative in Europe from Stalin? We have not. Our policy in Europe is not deadly to our national interests—as is our policy in Asia. It is now, at last, on the right line. But it is weakly right. And in international affairs to be weakly right is often as fatal as to be absolutely wrong.

We have concluded a North Atlantic Pact—three years late. But the North Atlantic Pact is a frame without a picture: an excellent idea without substance. It will have substance when the European democracies are once more able to feed themselves and defend themselves without doles from the American taxpayer. Our Congress voted ECA aid to Europe as a great gift to end the need for further gifts after 1952. But our European friends have already informed us that they will need some billions of dollars annually in gifts from us even after 1952. And they have also informed us that they cannot pay for their essential rearmament. Today they have only six divisions armed to meet a possible assault by the Red Army. They would need from forty to sixty divisions, armed in the most modern manner, to have a chance of preventing the Red Army from marching to the Atlantic. The cost of Western European rearmament will run to at least twelve billion dollars. Who is going to pay that sum? The American taxpayer?

It is clear today that the Western European democracies will never be able to feed and clothe themselves and defend themselves unless they introduce efficient standardization and specialization of production of the sort

we have in America. But fully modernized production with large volume and low costs cannot be achieved anywhere without the existence of a broad market in which products can be sold without barriers or restrictions. The states of Western Europe are separated by tariff barriers, quotas, export and import licenses, different currencies and exchange restrictions. If our forty-eight states had been thus separated, we should never have been able to develop our effective mass production system. The markets open to the individual European democracies are not broad enough to permit fully modernized production. Unless they will, by some form of union or federation, break down the barriers which now obstruct the flow of goods, manpower and capital among them, they will not be able to support themselves without annual doles from the American taxpayer—and they will not be able to carry more than a small fraction of the cost of their military defense.

The individual states of Western Europe cannot survive as disunited competitors, but if they unite themselves freely as members of a federation they may be able to avoid being united forcibly by Stalin. To attempt to build the economic prosperity and the defense of Western Europe without laying the foundation of European federation, is to attempt to build a skyscraper on quicksand. That is what we are doing.

In consequence, the Soviet Government is confident that the problems of European economic life and defense will not be solved, and that we, by attempting to carry the burden of rehabilitating and rearming Europe, will produce in our own country an inflation which will hit all Americans so hard that we shall begin to quarrel among ourselves—farmers against city dwellers, employees against employers, race against race—until we lose our national unity and our will to resist. The Soviet Government, therefore, has no fear that time is running against it in Europe. And nothing short of the creation of a European federation—including Western Germany—and the rapid rearmament of Western Europe will put us in position to wrest the offensive in Europe from Stalin.

To take the political offensive in Europe, we shall in addition have to deal successfully with the problem of

the Communists in Western Europe. Today, about one out of four of the French votes Communist, and about one out of four of the recruits taken into the French Army is a Communist sympathizer. The head of atomic research in France is an open and avowed member of the Communist Party. And the French Communists have announced that they will fight on the Soviet side against their own country in case of war. In Italy about one out of three voters votes Communist. We shall not be able to have much confidence in either the economic or the military strength of France and Italy until Stalin's Fifth Columns are eliminated from those countries. ECA has prevented conquest of France and Italy by the Communists—it has arrested the growth of the Communist cancer, it has not eliminated the cancer. But a healthy France and Italy are essential if Europe is to survive, and if we are to take the political offensive on a broad scale in Europe.

Is there any place in Europe where we can seize the initiative now? Yes: Berlin.

We have been so proud—and rightly proud—of our aviators who have been supplying Berlin by air that we have almost forgotten the daily insult which the Russians inflict on our country by preventing us from using the ground approaches to Berlin. We have a right to supply our section of Berlin by train or truck. The Russians daily forbid us to exercise that right. If you were to go home tonight and find a thug on your doorstep, who threatened to slug you if you went in your front door, and if you were then to get a ladder and climb in a second-story window, and if you were to repeat that humiliating performance night after night, you would not be likely to boast of your cleverness and courage in finding a way to get into your house. That is our situation in Berlin. No praise is too high for our aviators who carry on the air lift in spite of fog and storm. But no praise at all is due to our political leaders who let that situation continue month after month.

Would Stalin order his troops to shoot if we should send a truck convoy into Berlin? He might if he were very foolish. But he has not been foolish in the past. And he knows that war today would prevent him from adding the races and resources of Asia to his war potential, and prevent him from getting the atomic bomb

before attacking us. He also knows that he is increasing the armed might of the Soviet Union and its satellites at a far faster rate than we and the European democracies are increasing our means of defense. We are spending all we can on armaments—while living at the world's highest standard of consumption and contemplating further expenditures for welfare benefits. Stalin is keeping the standard of existence of the peoples of the Soviet Union and the satellite states at the lowest endurable point—while turning all their best energies into production for war. He is working feverishly to increase his air force. He already has hundreds of copies of our efficient long-range bomber—the B-29. And he is beginning production of bombers with even greater range. He is striving with every resource he possesses to manufacture an atomic bomb. Our experts estimate that he will have an atomic bomb by 1952 and that he will have quantities by 1956. He is sure that time is running in his favor, and he is not likely to risk war now.

This is the moment we can afford to be bold. Indeed, it is a moment when we cannot afford not to be bold. For it is true that we are allowing time to run in favor of the Communists. Yet there is no indication in the recent statements of our State Department that our Government will act intelligently, vigorously and rapidly in either the Far East or Europe. What can we do about it? We can not lead our leaders but we can drive our leaders by arousing public opinion.

The Legislature of this great State of Texas—you gentlemen here present—have it in your power to create such a public opinion. You can do your part in this time of cold war as Texans always do their part when the shooting starts. You can pass resolutions telling our national leaders that you will not consider them good stewards unless they diminish the burden on our own country, and increase Europe's chance to survive, by bringing about the creation of a European federation. You can demand that they throw out of the State Department and the Foreign Service the men whose records show they have helped to bring our country into its present peril. You can tell them that you will hold them responsible if, by allowing Stalin to control China, they

throw away all that was won for us by our men who fought and died in the Pacific. You can demand that we furnish officers to help the Chinese nationalists to organize a last ditch defense, which would be also, in the final analysis, a defense of the United States; that we furnish planes, arms, munitions and silver for troop pay; that we stop Stalin—not in Alaska or California or Texas but where he stands today.

We are in fact already in a war in which there is no discharge. But if our situation is serious, it is also thoroughly inspiring. We live by the belief expressed in our Declaration of Independence that men are "endowed by their Creator with certain unalienable Rights," that man as a son of God is an end in himself, that the State is a tool of man, a means not an end, and that man is responsible for the moral behavior of the State. The Communist Creed is the exact reverse of this American doctrine. It teaches that there is no God, that there is no moral law, that the Communist State is above all morality, that the State is man's master, not his tool, that man is not an end in himself but a means to produce world conquest for the Communist State. And the Communists are determined to force us to accept the life of fear and slavery which is produced by their doctrine.

From Eastern Germany to China, men have already learned the terrible truth of William Penn's words: "Those people who are not ruled by God will be ruled by tyrants." And we too shall learn that terrible truth in the sweat of slavery, unless we arouse ourselves now and say to our government that we do not ask for privileges but for duties; that we do not want to hear what we can get from our country but we do want to hear what we can give to our country; that we know an American is a free man or he is nothing; that we, like our forefathers, are ready to face without flinching whatever fate the Lord God may bestow, ready to give all that we have and all that we are to defend the greatest adventure in human freedom that this earth has known—our America.

Governor Jester then presented General K. L. Berry, Adjutant General of Texas, who introduced Marshal K. M. Guthrie of the Royal

Canadian Air Force to the Joint Session.

Marshal Guthrie then addressed the Joint Session.

At 11:40 o'clock a.m., the President announced the business of the Joint Session concluded, and requested the Senate to retire to its Chamber.

In the Senate

The President pro tempore called the Senate to order at 11:50 o'clock a.m. today.

Address by Honorable William C. Bullitt Ordered Printed in the Journal

On motion of Senator Cousins, the address by Honorable William C. Bullitt was ordered printed in the Journal.

Senate Resolution 137

Senator Kelley of Hidalgo offered the following resolution:

Whereas, Thirty (30) students from the Senior Graduating Class of Pearsall, Texas: Charles Blount, Joe Ed Harris, Chesley Henson, Jack Howard, Mansel Hudson, Rothe Martin, James Newsom, Murray O'Neal, Jimmy Phillips, Pat Stirling, Billie Joe Toalson, George Toalson, Elias Veloz, J. E. Wells, Louise Adams, Jimmie Burleson, Emily Cornett, Ginger Gibbs, Maria Guerra, Lucinda Gonzales, Susana Luna, Minerva Patino, Cipriana Pena, Pat Renfroe, Peggy Salmon, Augusta Shearer, Betty Joyce Sims, Consuela Tafolla, Theresa Jane Teinert and Martha Vaughan, accompanied by their Principal, Mr. Edward Earnest, are visitors in the Senate on this 27th day of April, 1949; and,

Whereas, These students have shown their desire to learn of the functions of their State Government so that upon reaching the age of voting they can intelligently participate; and,

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their Principal by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we express our appreciation to these students and their escort for their visit; that a copy of this Resolution, under seal

of the Senate, be forwarded to each of the visiting members of the Senior Graduating Class of Pearsall High School and to Mr. Edward Earnest, Principal of Pearsall High School, as evidence of this recognition.

The resolution was read and was adopted.

Recess

On motion of Senator Strauss, the Senate at 11:55 o'clock a.m. took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

Senate Resolution 138

Senator Colson offered the following resolution:

Whereas, There are in the Senate today six members of the Senior Civics Class of the Kennard High School of Kennard, Houston County, Texas: Barbara Tanner, Sammie Green, Joe Collins, Frances Outlaw, Louise Rhone, and Betty Lois Jones, and Joe Lynn Bitner, member of the fifth grade government class; and

Whereas, There are accompanying these students, their High School Superintendent, Mr. C. L. Bitner, their County Superintendent of Schools, Honorable Marcus Mason, and their Assistant County Superintendent of Schools, Miss Erma English, and

Whereas, Mr. Glenn Eason, Superintendent of Schools of Grapeland, Texas, and Honorable R. H. Johnson, Superintendent of Schools of Anderson County, are visitors in the Capital City also; and

Whereas, The presence of the young people is an evidence of their deep interest in better citizenship and state affairs; and

Whereas, The members of the Senate are always glad to have the young members of their communities visit the Senate and observe the procedure here, now, therefore, be it

Resolved, That the Senate extend a hearty welcome to these Kennard High School Seniors, their sponsors and guests, and be it further

Resolved, That they be extended the privileges of the floor for today and that each be forwarded a copy of this Resolution, under the seal of the Senate.

The resolution was read and was adopted.

Message from the Governor

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 27, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Texas Prison Board to fill the unexpired term of Honorable Elmer L. Lincoln of Texarkana, resigned, term to expire February 2, 1951:

Henry S. Paulus of Yoakum, Lavaca County.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Branch Pilot for the Sabine Bar, Pass and tributaries for two year term to expire February 12, 1951:

R. Gerald Johnson of Jefferson County, Texas.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Report of Conference Committee on House Bill 467

Senator Morris submitted the following report:

Austin, Texas,
April 27, 1949.

Hon. Durwood Manford, Speaker of the House;

Hon. Allan Shivers, President of the Senate.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 467, have met and had same under consideration, and recommend that House Bill 467 be passed in the form attached hereto.

Respectfully submitted,
SWINDELL
TINSLEY
DANIEL
CASTON
CLIFTON

On the Part of the House.

MORRIS
McDONALD
LANE
COUSINS
AIKIN

On the Part of the Senate.

H. B. No. 467

By Tinsley

A BILL TO BE ENTITLED

"An Act detaching from Sabine-Neches Conservation District all of the territory contained within the watershed of the Sabine River and its tributaries and establishing the Sabine River Authority to contain said territory so detached for the purpose of controlling floods, conserving the soils, providing a water supply for municipal, industrial, domestic, and hydro-electric purposes and all other useful purposes, to make provision for navigation and to construct or otherwise acquire navigation facilities; to own and operate hydro-electric generating facilities; providing a Board of Directors and prescribing their compensation; prescribing the powers of the Authority; authorizing the issuance of bonds payable from sources other than taxation and providing for the payment and security of such bonds; changing the name and boundaries of the Sabine-Neches Conservation District made necessary by the creation of the Sabine River Authority; requiring approval by the Attorney General of Texas of all contracts and agreements by and between the Authority and the Federal Government or any of its representatives; permitting compliance by the District with Federal laws existing on effective date hereof and with any Compact made between the State of Texas, the Federal Government and the State of Louisiana, and providing that agreements made thereunder shall be approved by the Attorney General of Texas; providing for eminent domain by the Authority except in cases of prior eminent domain by other agencies; preserving intact the Lower Neches Valley Authority; making an appropriation; enacting other provisions relating to this subject; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be, and there is hereby created a conservation and reclamation district by the name of "Sabine River Authority" which district is created as a govern-

mental agency of the State of Texas, a body politic and corporate, vested with all of the authority as such under the Constitution and laws of the State; and which shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as expressly authorized in the provisions of the Constitution, Section 59 of Article 16, for districts created to conserve, store, control, preserve, utilize, and distribute the storm and flood waters and the waters of the rivers and streams of the State, and such powers as may be contemplated and implied by the purposes of such provision of the Constitution, and as may be conferred by general law, as well as by the provisions of this Act, except nothing herein contained shall authorize said district to levy any taxes or special assessments, or to create any debt payable out of taxation; and said district shall have and be recognized to exercise all the rights and powers of an independent agency, body politic and corporate, to construct, maintain, and operate within the State of Texas, in the watershed of the Sabine River and its tributaries, within or without the boundaries of such district, any and all works deemed essential to the operation of the district and for its administration in the control, storing, preservation and distribution to all useful purposes of the waters of the Sabine River and its tributary streams, including the storm and flood waters thereof; and such district shall have and be recognized to exercise such authority and power of control and regulation over such waters of the Sabine River and its tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2. The area of the District is hereby established to comprise all of that part of the territory lying within the watershed of the Sabine River and its tributary streams which is situated within the State of Texas as the same is made certain by the State contour maps now on file in the office of the State Board of Water Engineers. Reference is hereby made to said records and maps in aid hereof. Upon the request of the Board of Directors the Board of Water Engineers shall define such boundaries so that the same may be expressed in written calls of the metes and bounds

of said watershed; provided, however, that the definition of such boundaries shall not be a condition precedent to the exercise of any power conferred by this Act; provided further that there is excepted from the area covered by the Neches River Conservation District, all the area presently covered by the Lower Neches Valley Authority. It is the intent of the Legislature to preserve the present area and authority of the Lower Neches Valley Authority.

Sec. 3. The management and control of all of the affairs of the District shall be vested in the Board of Directors, consisting of nine (9) members, each of whom must reside within a county situated wholly or partially within the watershed of the Sabine River and shall be a freehold property taxpayer and a legal voter of the State of Texas. Such Board of Directors shall be appointed by the Governor of Texas as soon as practicable after the passage of this Act and confirmed by the Senate; one-third of the members to be appointed for a term of two (2) years, one-third of the members to be appointed for a term of four (4) years, and the remaining members to be appointed for a term of six (6) years. Upon the expiration of the respective terms of said Directors the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The Directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors the same may be filled in like manner by the Governor of Texas for the unexpired term. The Directors appointed shall within fifteen (15) days after their appointment qualify by taking the official oath and filing a good and sufficient bond with the Secretary of State; the official bond of each Director to be in the sum of One Thousand Dollars (\$1,000), and shall be payable to the District, shall be conditioned upon the faithful performance of official duties of such Director, and shall be subject to approval by the Secretary of State of the State of Texas.

Sec. 4. The Directors of the district shall organize by electing one of their members President, one Vice-President, one Secretary, and a Secretary pro tem. Five (5) directors shall constitute a quorum at any meeting, and a concurrence of a majority of

those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of bonds, which shall require the concurrence of five (5) directors. Warrants for the payment of money may be drawn and signed by two (2) officers or employees designated by resolution entered on the minutes of the directors, when such accounts have been contracted and ordered paid by the board of directors.

Sec. 5. The directors of the district shall require all officers and employees who shall be charged with the collection or paying or handling of any funds of the district under their orders, to furnish good and sufficient bonds, with a duly authorized surety company as surety thereon, payable to the district, conditioned upon the faithful performance of their duties and accounting for all funds and property of the district coming into their hands, which bonds shall be in sufficient sums to safeguard the district.

Sec. 6. The President shall preside at all meetings of the Board and shall be the chief executive officer of the District. The Vice-President shall act as President in the case of the absence or disability of the President. The Secretary shall act as a Secretary of the Board of Directors, and shall be charged with the duty of seeing that all records and books of the district are properly kept. In case of the absence or inability of the Secretary to act, the Secretary pro tem. shall perform his duties. The directors shall hold regular meetings at times to be fixed by the board, and may hold special meetings at such other times as the business of the district may require.

Sec. 7. The directors shall receive as fees of office the sum of not more than Ten Dollars (\$10) for each day of service necessary to discharge their duties, plus actual expenses, provided that such compensation and expenses are approved by vote of the Board of Directors. Each director shall file with the Secretary a statement showing the amount due him each month or as soon thereafter as practicable, and before check shall be issued therefor.

Sec. 8. The directors shall keep a true and full account of all their meetings, and proceedings, and preserve their minutes, contracts, records,

notices, accounts, receipts and records of all kinds in a fireproof vault or safe. The same shall be the property of the district and subject to public inspection. A regular office shall be established and maintained for conduct of the district business within the district.

Sec. 9. A complete book of accounts shall be kept. The account books and records of the district and of the depository of the district shall be audited by the State Auditor annually in such manner as to enable him to report to the Legislature as to the manner and purpose of the expenditure of all funds of the District and report thereon shall be submitted to the first regular meeting of the board of directors thereafter. Two (2) copies of the report shall be filed in the office of the district, one with the Governor, one with the Lieutenant Governor, and one with the Speaker of the House, all of which shall be open to public inspection.

Sec. 10. The directors may employ a manager for the district, and may give him full authority in the management and operation of the district affairs (subject only to the orders of the board of directors). Compensation to be paid such manager and all employees shall be fixed by the board of directors and all employees may be removed by the board.

Sec. 11. All bonds required to be given by officers and employees of the district, shall be executed by a surety company authorized to do business in the State, as surety thereon, and the district shall be authorized to pay the premiums on such bonds.

Sec. 12. No Director, Engineer or Employee of the District, either for themselves or as agent for anyone else, shall benefit directly or indirectly by reason of any sale, purchase or contract entered into by the Board. If any such person shall directly or indirectly become interested in any such contract, sale, or purchase, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum of not to exceed One Thousand Dollars (\$1000) or by confinement in the County Jail for not less than six (6) months nor more than one (1) year or by both fine and imprisonment. Provided further, that in the purchase or sale of any realty bought or sold by the District from or to any Director, Engineer or Employee of the District the value of such property

shall be fixed by a Board of three (3) disinterested citizens, residents of the county in which the property lies, such Board to be appointed by the District Judge thereof.

Sec. 13. Any drainage, conservation, reclamation or other district heretofore created by the State of Texas with powers provided in Section 59 of Article 16, or in Section 52 of Article 3 of the Constitution, shall have the authority, power and right to co-ordinate its plans with the district herein created, and shall have full authority, power and right to enter into joint undertakings for the purposes for which the districts are created. Provided, however, that all such acts must be approved by a majority of the board of directors of each district involved.

Sec. 14. The said district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, the power of control and employment of such waters of the Sabine River and its tributaries within the State of Texas, including the storm and flood waters thereof, in the manner and for the particular purposes hereinafter set forth:

(a) To provide through practical and legal means for the control and co-ordination of the regulation of the waters of the Sabine River and its tributary streams;

(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area, in the beneficial use of the waters of the Sabine River and its tributary streams;

(c) For storing, controlling and conserving the waters of the Sabine River and its tributaries within and without the District, and the prevention of the escape of any of such waters without the maximum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such District from uncontrolled floodwaters;

(d) For the conservation of the waters of the Sabine River and its tributaries essential for the domestic uses of the people of the District, including all necessary water supplies for cities and towns;

(e) For the irrigation of lands within the State of Texas where irrigation is required for agricultural

purposes, or may be deemed helpful to more profitable agricultural production, and for the equitable distribution of said waters to the regional potential requirements for all uses, hydro-electric, domestic, municipal, manufacturing and irrigation, provided that no steam generating capacity shall be installed by the Authority. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district shall have primary regard to the necessary and potential needs for water. The sale of water by the Authority, and the compensation charged therefor shall be subject to regulation by the Board of Water Engineers of the State of Texas, upon its own initiative or upon complaint of any user of such water, but such regulation shall be subject to the requirements of subdivision (m) of this Section 14;

(f) For the encouragement and development of drainage systems and provisions for drainage systems and for drainage of lands in the watershed of the Sabine River and its tributary streams needed for profitable agricultural production; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use;

(g) For the purpose of encouraging the conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto;

(h) To control and make available for employment of said waters in the developing of commercial and industrial enterprises in all sections of the district; to improve the Sabine River for navigation; to construct or otherwise acquire and operate navigation facilities, and to make contracts with the United States Government with reference thereto;

(i) For the control, storing and employment of said waters in the development and distribution of hydro-electric power, where such use may be economically co-ordinated with other and superior uses, and subordinated to the uses declared by law to be superior;

(j) And for each and every purpose for which flood and storm waters when controlled and conserved may be utilized in the performance of useful service as contemplated and authorized by the provisions of the Constitution and the public policy therein declared;

(k) To purchase and construct all works necessary or convenient for the exercise of the powers, and to accomplish the purposes specified in this Act, and to purchase or otherwise acquire all real and personal property necessary or convenient for carrying out any such purposes;

(l) The right to eminent domain is expressly conferred upon such District to enable it to acquire the fee simple title to, and easement or right of way over and through, any and all lands, water or lands under water, private or public, within and without such District, which in the judgment of the Board of Directors is necessary or convenient to carry out any of the purposes and powers conferred upon such District by this Act; provided, however, that as against persons, firms, and corporations, or receivers or trustees thereof, who have the power of eminent domain, the fee title may not be condemned, but the district may condemn only an easement. All such condemnation proceedings shall be under the direction of the Directors and in the name of the District, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the Statutes of this State as provided in the title of the Revised Civil Statutes of Texas relating to "Eminent Domain";

(m) The Board of Directors of the District shall prescribe fees and charges to be collected for the use of water, water connections, hydro-electric service, or other service, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said Board of Directors shall cause to be paid therefrom:

(1) All expenses necessary to the operation and maintenance of the improvements and facilities of said district. Such operating and maintenance expenses shall include the cost of the acquisition of properties and materials necessary to maintain said improvements and facilities in good condition and to operate them efficiently, necessary wages and salaries of the District, and such other expenses as may be reasonably necessary to the efficient operation of said improvements and facilities;

(2) The annual or semi-annual interest as it becomes due upon any

bonds issued hereunder payable out of the revenues of said improvements and facilities;

(3) The amount required to be paid annually into the sinking fund for the payment of any bonds issued hereunder, payable out of the revenues of said improvements and facilities, and to be paid into the reserve and other funds under the resolution authorizing the issuance of the bonds;

(n) Such District through its Board of Directors, shall have the right to employ managers, engineers, attorneys, and all necessary employees properly to construct, operate and maintain said works and carry out the provisions of this Act, and to pay reasonable compensation fixed by the Board of Directors for such services;

(o) Such District, in addition to the powers hereinabove set out, shall have general power and authority to make and to enter into all contracts, leases and agreements necessary or convenient to carry out any of the powers granted in this Act, which contracts, leases and agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, any government or governmental agency, including the United States Government, the State of Texas, the State of Louisiana, or any public or private corporation or entity created by or under the laws of the State of Louisiana, and may make contract with any such person, corporation or entities for the joint construction or operation, or both, of any facilities authorized to be operated or constructed by the District. Provided, however, that no contract shall be made with the United States Government or any agency thereof unless approved as to legality by the Attorney General of Texas. Any and all such contracts, leases and agreements herein authorized shall be approved by resolution of the Board of Directors of such District, and shall be executed by the President or Vice-President and attested by the Secretary or Secretary pro tem. thereof;

(p) Such district shall have the right to sue and be sued in its own name;

(q) Before such district shall establish a diversion point, construct the canals, pumping plants and other works, it shall present to the Board of Water Engineers of the State of

Texas, or such other agency performing the functions now performed by the Board of Water Engineers, plans and specifications of the same and obtain approval of such Board.

Sec. 15. The powers and duties herein devolved upon the said District shall be subject to the continuing rights of supervision by the State, which shall be exercised through the State Board of Water Engineers, which agency shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the District, and which plans contemplate improvements supervised by the respective State authorities under the provisions of the general laws.

Sec. 16. Said District shall have and may exercise such functions, powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and without said District of lands, rights of way, water rights, and all other properties, tenements, easements and all other rights incident, helpful to or in aid of carrying out the purposes of said District as herein defined; and this Act, in all of its terms and provisions shall be liberally construed to effectuate each and all of the purposes thereof.

Sec. 17. The Board of Directors of the Authority hereby created is hereby authorized to accept grants and gratuities in any form for the purpose of promoting, establishing and accomplishing the objectives herein set forth. Any and all grants and gratuities shall be strictly accounted for and shall be subject to the same rules, regulations and audits by the Texas State Auditor as are other funds handled or disbursed by the governing Board of the Authority.

Any contract or agreement entered into or any commitment made by and between the Authority or any of its agents or representatives and the Fed-

eral government or any of its agents or representatives involving the sovereign rights of the State of Texas in the control, utilization, disposition, storing or sale of the water of the Sabine River or its tributaries, or involving the control, management or utilization of any facilities, properties or improvements constructed thereon, before becoming an obligation upon the District, shall first be submitted to the Attorney General of the State of Texas for approval. Provided, however, that nothing herein contained shall preclude compliance by the District with Federal laws existing on the effective date of this Act or with any Compact made subsequent thereto by and between the State of Texas, the Federal government and the State of Louisiana, but any agreement, contract or commitment based upon or involving any Compact promulgated subsequent to the effective date hereof between the State of Texas, the Federal government and the State of Louisiana, shall likewise be submitted to the Attorney General of the State of Texas for approval.

Sec. 18. (a) For the purpose of providing funds for any purpose authorized by this Act the District shall have the power and is hereby authorized to issue bonds from time to time as authorized by this Act, provided that the aggregate principal amount of such bonds outstanding at any one time shall not exceed Twenty-five Million Dollars (\$25,000,000). Provided, however, that in the event any outstanding bonds shall be paid at maturity other than through the application of the proceeds of other bonds or through the issuance of other bonds in exchange therefor; or shall be retired prior to the stated maturity thereof and operation of any sinking fund provided for the bonds so retired and in the proceedings authorizing the same, or from the proceeds of the sale of property, the aggregate principal amounts of bonds herein authorized to be outstanding at any one time shall be reduced by the principal amount of the bonds so paid or retired. Any additional amount of bonds must be authorized by an Act of the Legislature. The District is hereby empowered, without the necessity of an election, to issue such bonds to be payable from such revenues of the District as are pledged by resolution of the Board of Directors.

(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the President or Vice President, attested by the Secretary or Secretary pro tem., and have the seal of the District impressed thereon. They shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under terms determined by the Board of Directors to be the most advantageous reasonably obtainable, provided that the interest cost to the District, calculated by use of standard bond interest tables currently in use by insurance companies, and investment houses does not exceed six per cent (6%) per annum, and within the discretion of the Board, may be made callable prior to maturity at such times, and prices as may be prescribed in the resolution authorizing the bonds, and may be made registerable as to principal or as to both principal and interest.

(c) Bonds may be issued in more than one series and from time to time as required for carrying out the purposes of this Act.

(d) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one or more contracts theretofore or thereafter made or other revenues specified by resolution of the Board of Directors. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues of the District after deduction of the amount necessary to pay the cost of maintaining and operating the district and its properties.

(e) It shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds.

(f) From the proceeds of the sale of the bonds, the District may set aside an amount for the payment of

interest expected to accrue during construction and a reserve interest and sinking fund, and such provision may be made in the resolution authorizing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purposes for which this District is created.

(g) In the event of a default or a threatened default in the payment of principal or of interest on any of the bonds any Court of competent jurisdiction may, upon petition of the holders of twenty-five per cent (25%) of the outstanding bonds of the issue thus in default or threatened with default, appoint a receiver with authority to collect and receive all income of the District, employ and discharge agents and employees of the District, take charge of funds on hand and manage the proprietary affairs of the District without consent or hinderance by the directors. Such receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the Court appointing him. The Court may vest the receiver with such other powers and duties as the Court may find necessary for the protection of the holders of the bonds.

Sec. 19. The District is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one series of outstanding bonds and combine the pledges for the outstanding bonds for the security of the refunding bonds, and may be secured by other or additional revenues. The provisions of this law with reference to the issuance of other bonds and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option date or maturity date, and the Comptroller shall register

them without concurrent surrender and cancellation of the original bonds.

Sec. 20. Any bonds (including re-funding bonds) authorized by this law may be additionally secured by a deed of trust lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such deed of trust may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds. Any purchaser under a sale under such deed of trust shall be the owner of the dam or dams and the other properties and facilities so purchased and shall have the right to maintain and operate the same.

Sec. 21. After any bonds are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District and any city or other governmental agency or district, a copy of such contract and the proceedings of the city or other governmental agency or district authorizing such contract shall also be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and laws of the State of Texas he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 22. (a) The rates and charges for electric power sold and the services rendered by the District shall be reasonable, non-discriminatory, and just to the customers, and all rates and charges which are unreasonable, discriminatory, or unjust to customers

are hereby prohibited and declared to be unlawful.

(b) Said Board of Water Engineers (herein called "State Board") shall have the power to regulate and fix the rates and compensation to be charged by the District for electric energy and other services, and to prescribe rules and regulations under which electric energy is furnished. The State Board shall not prescribe any rate or compensation which will yield less than a fair rate of return upon the fair value of the property used and useful in generating electric energy and rendering other service, but such return in no event shall exceed ten per cent (10%) per annum.

(c) When the District is about to enter into a contract for the sale of electric energy such contract shall be filed with the State Board for examination. Upon the filing of such contract the State Board shall issue a notice to the parties, by registered mail, (unless such notice is waived) informing them of the time and place when and where a hearing thereon shall be had. If, pursuant to such hearing, the State Board finds that such contract is fair and reasonable and not detrimental to the public interest, it shall approve such contract or proposal, but if it finds that the contract or proposal is unfair or unreasonable or detrimental to the public interest it shall disapprove it. The action of the State Board pursuant to such hearing shall be conclusive unless an appeal is taken.

(d) If any party is dissatisfied with the action of the State Board such party may file a petition setting forth the particular objections to such action in a District Court of Travis County against the State Board as defendant. The findings of the State Board as to the facts, if supported by substantial evidence, shall be conclusive. Appeals may be taken to the Court of Civil Appeals and may be removed to the Supreme Court as in other civil causes.

(e) The State Board is authorized to exercise its powers of regulation and control upon its own initiative or upon complaint of any person aggrieved.

Sec. 23. This District shall have all of the powers conferred by general laws upon water control and improvement districts. This District is hereby constituted and declared to be a water control and improvement

District within the meaning of Chapter 349, Acts of the Forty-ninth Legislature, authorizing water supply contracts between cities and water control and improvement districts, and, in addition to the powers conferred by this Act, this District shall have all of the powers conferred by said Chapter 349. In the event of conflict between the provisions of this Act and the general laws relating to water control and improvement districts, or any other general law, the provisions of this Act shall prevail.

Sec. 24. All bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

Sec. 25. The accomplishment of the purposes stated in the Act being for the benefit of the people of this State and for the improvement of their properties and industries, the District in carrying out the purposes of this Act will be performing an essential public function under the Constitution and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

Sec. 26. (a) The Board of Directors of the District shall have the power to adopt and promulgate all reasonable regulations to secure, maintain and preserve the sanitary condition of all water in and to flow into any reservoir owned by the District, to prevent waste of water or the unauthorized use thereof, to regulate residence, hunting, fishing, boating, and camping, and all recreational and business privileges, along

or around any such reservoir and the Sabine River and its tributaries, or, any body of land, or easement owned or controlled by the District; and shall have the right to make contracts with responsible persons for the construction and operation of toll bridges over the District's water, or for ferry service on or over the District's water (to cover periods of time not to exceed twenty (20) years in the case of a bridge and not to exceed ten (10) years in the case of a ferry), fixing the compensation to be charged for service by any such facility, to the end that the same be reasonable, and requiring adequate bond or bonds from any such contracting persons, association or corporation, payable to the District, to be of such amount and conditioned as the judgment of the Directors of the District may deem to be required; and, such contracts may provide for forfeiture of the particular franchise in case of a failure of the licensee to render adequate public service.

(b) Such District may prescribe reasonable penalties for the breach of any regulation of the District, which penalties shall not exceed fines of more than Two Hundred Dollars (\$200), or imprisonment for not more than thirty (30) days, or may provide both such fine and such imprisonment. The penalties hereby authorized shall be in addition to any other penalties provided by the laws of Texas and may be enforced by complaints filed in the appropriate Court of jurisdiction in the county in which the violation occurred, provided, however, that no rule or regulation which provides a penalty for the violation thereof shall be in effect, as to enforcement of the penalty, until five (5) days next after the District may have caused a substantive statement of the particular rule or regulation and the penalty for the violation thereof to be published, once a week for two (2) consecutive weeks in the District. The substantive statement so to be published shall be as condensed as is possible to afford an intelligent direction of the mind to the act forbidden by the rule or regulation; one notice may embrace any number of regulations; there must be embraced in the notice advice that breach of the particular regulation, or regulations, will subject the violator to the infliction of a penalty, and there also shall be included in the notice advice that the full text of

the regulations sought to be enforced is on file in the principal office of the District, where the same may be read by any interested person. Five (5) days after the second publication of the notice hereby required, the advertised regulation shall be in effect, and ignorance of any such regulation shall not constitute a defense to a prosecution for the enforcement of a penalty; and, the rules and regulations authorized hereby, after the required publication, shall judicially be known to the Courts and shall be condensed of a nature like unto that of valid penal ordinances of a city of the State.

(c) It further is expressly provided that the District shall have the power to employ and constitute its own peace officers, and any such peace officer or any county peace officer shall have the power to make arrests when necessary to prevent or abate the commission of any offense against the regulations of the District, and against the laws of the State of Texas, when any such offense, or threatened offense, occurs upon any land, water, or easement owned or controlled by the District; or, to make such arrest at any place, in case of an offense involving injury or detriment to any property owned or controlled by such District.

Sec. 27. The District is authorized to establish or otherwise provide for public parks and recreation facilities, and to acquire land for such purposes.

Sec. 28. There is hereby appropriated, and there shall be paid to said District out of the General Fund not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000), which said sum shall be used for defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, for abstracts of title, and for the payment of necessary and proper expenses incidental to and in connection with the organization of the District, and any and all expenses necessary to the management of the affairs of the District. Provided, however, that none of the amount appropriated herein shall be used to pay any expenses or costs incurred prior to the effective date of this Act. Provided that none of the funds herein appropriated shall be used to pay for options on lands in said District. The District shall repay said amount to the State out

of the proceeds of the first bonds issued by the District.

Sec. 29. The territory hereinabove established as Sabine River Authority is hereby detached from the Sabine-Neches Conservation District which was established by Chapter 361, Acts of the Forty-fourth Legislature, as amended. The name of said Sabine-Neches Conservation District is hereby changed to "Neches River Conservation District." Hereafter the territory which shall be embraced within the boundaries of said Neches River Conservation District shall be all of that territory which is situated within the watershed of the Neches River and its tributaries as the same is made certain by the State contour maps now on file in the office of the Board of Water Engineers of the State of Texas to which maps reference is hereby made thereof. Upon the request of the Board of Directors of the Neches River Conservation District the Board of Water Engineers shall define such boundaries so that the same may be expressed in written calls of the metes and bounds of said watershed; provided, however, that the definition of such boundaries shall not be a condition precedent to the exercise of any power conferred by the Act creating said Neches River Conservation District.

Sec. 30. Whenever the Board of Water Engineers of the State of Texas is designated in this Act, the same shall include any other Board or body which succeeds substantially to the powers or duties heretofore conferred upon said State Board of Water Engineers.

Sec. 31. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid the remainder of the Act, and the application of such provision to other persons or circumstance shall not be affected thereby.

Sec. 32. The fact that the control of floods and the other public purposes to be accomplished by the Authority created by this Act is urgently needed not only in the area of the District, but also by the entire State of Texas as a part of a Statewide program for the control of devastating floods and conservation of water creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended, and such Rule

is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—23

Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick
Martin	

Absent

Bell	Harris
Bullock	Kelley of Hidalgo
Carney	Weinert

Absent—Excused

Aikin	Ashley
-------	--------

House Bill 130 on Passage to Third Reading

The President laid before the Senate as unfinished business, on its passage to third reading:

H. B. No. 130, A bill to be entitled "An Act to amend Section 4 of Chapter 1, Title: Attorneys, House Bill 74, page 64, Acts Regular Session, Forty-sixth Legislature, (1939) known as the State Bar Act, etc., and declaring an emergency."

The bill having been read second time on Thursday, April 14, 1949, with an amendment by Senator Kelly of Tarrant pending.

Question—Shall the amendment be adopted?

Senator Kelly of Tarrant withdrew the amendment.

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend House Bill No. 130 by deleting therefrom the following words and figures: "Five (\$5.00) Dollars", everywhere it appears in the body of the bill and inserting in lieu thereof the following words and figures: "Seven (\$7.00) Dollars."

Pending consideration of the amendment, the President pro tempore occupied the Chair temporarily.

(President in the Chair)

Question—Shall the amendment be adopted?

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. J. R. No. 5, Proposing an amendment to Section 5 of Article III of the Constitution relating to sessions of the Legislature and what may be considered thereat and an amendment to Section 24 of Article III relating to compensation of members of the Legislature; specifying the time when the amendment shall take effect if ratified; and providing for the submission of the proposed amendment to a vote of the people.

H. B. No. 324, A bill to be entitled "An Act to provide that in Counties having a population of 500,000 or more according to the last preceding Federal Census, the Criminal District Attorney may, with the advice and approval of the Commissioners' Court, increase the salaries otherwise authorized by law and appoint additional assistants and employees and fix their salaries; providing that such additional employees so appointed shall be approved as to number and salaries by the Commissioners' Court and County Auditor; authorizing the payment of the salaries out of the officers' salary fund or the general fund; authorizing the amendment of the budget, and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act providing for retirement of Judges of this State; defining certain terms; providing the conditions under which retirement pay shall be paid; and the amount of such retirement pay; providing for contribution by the Judges and refund of said contributions under certain conditions; providing for reassignment; providing for repeal of laws in conflict; providing for validity of remaining portion of Act, if any part declared unconstitutional, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act amending Article 1302, Chap-

1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be numbered and designated as subdivision '39a,' providing for the formation of private corporations to buy, sell, produce, store, transport and process fish, oysters, shrimp, and other aquatic products, and the transaction of all business heretofore set out; and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act amending Article 2553, Revised Civil Statutes, 1925, as amended by Acts 1937, 45th Legislature, page 1298, Chapter 484, providing that the Commissioners' Court may in its discretion require a receiving and paying agent at the county seat, and providing that said agent shall be approved by the Commissioners' Court; and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act to validate elections ordered by the Commissioners' Courts for the purpose of revoking or cancelling the authority to issue bonds; validating the levy and collection of taxes in anticipation of the issuance of such bonds and providing for the disposition of such taxes; and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act to amend Acts 1941, 47th Legislature, Chapter 134, Section 1, page 187, and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act amending Chapter 107, page 142, Section 1, Acts of the 47th Legislature, and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act providing for the fixing of compensation of Judges of District Courts and Criminal District Courts in Counties having a population of 340,000 inhabitants, or more, according to the last preceding or any future Federal Census; providing the manner of payment thereof; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act authorizing counties to lease their county hospital, provided the commissioners' court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to lease such hospital; and provided further that prior to the provisions of such order becoming

effective, such commissioners' court shall fix a time and place for a public hearing upon such question and shall issue notices of such public hearing; providing for the submission of such question to a referendum vote in event a petition is submitted bearing the signatures of ten per cent of the voters of said county; enacting provisions incident and relating to the subject; providing that if any provisions of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith to the extent of such conflict and declaring an emergency."

H. B. No. 353, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding to said article a new subdivision authorizing the formation of private corporations for the purpose of owning and operating public scales; and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act authorizing certain Independent School Districts to issue bonds to finance building programs and issue them in installments as funds are needed; permitting voting of bonds to mature serially or otherwise within forty (40) years; providing for their issuance where boundaries may be changed subsequently through attachment or detachment of territory not exceeding in area 5% of total area of district; prescribing manner of holding election for assumption of outstanding debt and authorizing tax for payment unissued at time of change of boundaries and voting of maintenance tax; defining territory that will be liable for tax to pay bonds unissued at time of any detachment of territory; enacting other provisions relating to the subject; providing that this Act shall be cumulative of other laws but shall take precedence in event of conflict with any other laws; providing a severability clause; and declaring an emergency."

H. B. No. 381, A bill to be entitled "An Act fixing the salaries of County Commissioners in certain counties; repealing all laws in conflict to the extent of the conflict; and declaring an emergency."

H. B. No. 575, A bill to be entitled "An Act to grant and dedicate right-of-way off the south side of a tract of land acquired by the State from

W. E. Logan, in Hays County, by deed recorded in Vol. 135, pages 414-416, Deed Records of Hays County, to widen State Highway 123; and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act authorizing the Commissioners' Court of Bexar County, Texas, to appoint a Coliseum Advisory Board for the operation and maintenance of the project known as the Agricultural and Livestock Exhibition Building and grounds, which were heretofore received by said County from the City of San Antonio; providing for the appointment of the members of said Coliseum Advisory Board and their tenure of office, and the filling of any vacancies occurring therein; etc.; and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act to fix the salaries of official shorthand reporters in courts in any county constituting in itself a judicial district and now or hereafter having therein not less than six and not more than nine permanent district courts, including both civil and criminal district courts; providing for the payment thereof; providing a savings clause; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Act defining the jurisdiction of the County Court of Johnson County and diminishing its civil and criminal jurisdiction; providing that the District Court of Johnson County shall have jurisdiction in all civil and criminal matters over which by law the County Court would have original and appellate jurisdiction; providing for the transfer of civil and criminal causes from the County Court to the District Court of Johnson County; providing the Act shall not affect judgments heretofore rendered by said County Court in causes now transferred to the District Court of said County, and providing for the repeal of all laws in conflict therewith; and declaring an emergency."

H. B. No. 706, A bill to be entitled "An Act to permit the Commissioners' Court to establish an automobile car allowance for Grand Jury Bailiffs; and creating an emergency."

H. B. No. 302, A bill to be entitled "An Act making it unlawful for any

person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe or fawn in the Counties of Newton, Jasper, San Augustine, Sabine, Panola, and Shelby in the State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

H. B. No. 429, A bill to be entitled "An Act amending Section 2 of Senate Bill 21, Acts of the 4th Called Session, 35th Legislature, 1918, Chapter 4, page 222, et seq., relating to the Sugar Land Independent School District in Fort Bend County, and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act validating and declaring to be negotiable instruments certain seawall bonds heretofore issued by counties and cities bordering on the coast of the Gulf of Mexico and all renewals and refundings thereof originally acquired from the issuers by the United States government and its agencies; validating all proceedings for the issuance of refunding bonds in lieu thereof and for their security and payment and the pledge of operating revenues therefor, and validating the refunding bonds when issued; providing for subsequent refundings; providing that no securities shall be validated by this Act, the validity of which is being directly attacked in pending litigation; prescribing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

H. B. No. 592, A bill to be entitled "An Act providing for salaries of Constables and Justices of the Peace in counties having at least eight District Courts, two of which are Criminal District Courts, and at least four County Courts, two of which are County Courts at Law and one is a County Criminal Court, and declaring an emergency."

H. B. No. 675, A bill to be entitled "An Act providing for the annexation of common and/or independent school districts to certain Junior College Districts for Junior College purposes only; providing for the creation of Boards of Trustees for such Districts and annexed common and independent school districts, and determining the manner of representation on said Board from the several common or in-

dependent school districts, the territory of which has been or may be annexed to such Junior College Districts for Junior College purposes only; providing the mode, manner and time of electing members of said Boards for their terms of office, and enacting other provisions relating to the subject matter; repealing laws in conflict therewith to the extent of such conflict; preserving to such Junior College Districts the powers and privileges of Junior College Districts generally; providing a savings clause; and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act making it unlawful to use seines, with certain exceptions, in any of the waters of Henderson County; providing a penalty; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act amending Chapter 304, Acts of the Regular Session of the 50th Legislature pertaining to the construction, acquisition, improvement, operations and maintenance of causeways, bridges, and tunnels by certain counties bordering on the Gulf of Mexico, and declaring an emergency."

H. B. No. 680, A bill to be entitled "An Act to amend Section 1 of Subdivision 76, Art. 199, Title 8, R. C. S. of Texas, 1925, fixing the terms of court in the 76th Judicial District of Texas in the Counties of Titus, Franklin, Camp, Morris and Marion; and declaring an emergency."

H. B. No. 766, A bill to be entitled "An Act amending Section 1 of Chapter 70, page 194, Special Laws, 42nd Legislature, Regular Session, 1931, as amended by Acts 1947, 50th Leg., Regular Session, ch. 245, page 439, by adding Comanche County to the provisions thereof; repealing Acts 1945, 49th Leg., Reg. Ses., ch. 175, p. 231, as amended by Acts 1947, 50th Leg., Reg. Ses., ch. 158, p. 262, and repealing all laws in conflict except Acts 1943, 48th Leg., ch. 123, p. 203, Acts 1943, 48th Leg., ch. 6, p. 5, Acts 1941, 47th Leg., ch. 410, p. 668, and Acts 1939, 46th Leg., Spec. L., p. 793, ch. 44; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act creating and establishing Road District Number 9 of Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas

for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; etc.; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act to validate the creation of the Port Lavaca Independent School District by the annexation of certain independent and common school districts of Calhoun County, Texas, thereto by an election under Articles 2922 and 2922c, Vernon's Civil Statutes of Texas under an order or orders of the County School Trustees calling for a Rural High School Election; validating all acts, orders, elections and proceedings thereof; defining the boundaries of such district, extending the same over the Gulf tidal areas within said County; validating the bonds and tax levies thereof; changing the name thereof to the 'Calhoun County Independent School District'; providing its powers and duties; providing for the vesture, control, management and disposition of all property, real and personal, with sale thereof subject to Article 2773, Vernon's Civil Statutes of Texas; providing for the election and tenure of the trustees of county-wide election with residential qualifications; defining Trustee Districts; validating and authorizing the rates, levy, assessment and collection of taxes; providing that such act shall not validate in the event of suits heretofore filed or hereafter filed within 45 days from the effective date of the Act; providing a savings clause; and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act repealing House Bill No. 137, Chapter 62, Acts of the 45th Legislature, Second Called Session, 1937; repealing H. B. No. 1059, Chapter 58, Special Laws, Acts of the 46th Legislature, Regular Session, 1939; and repealing in part and amending Chapter 123, Acts of the 48th Legislature, Regular Session, 1943, by eliminating therefrom the license provision; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act amending Section 6 of H. B. No. 87, Ch. 283, Acts of the R. S. of the 40th Legislature, 1927, page 424, providing for notice of hearings of the Zoning Commission; and declaring an emergency."

H. B. No. 721, A bill to be entitled "An Act to establish minimum educational standards for chiropractors; to define and regulate the practice of Chiropractic; to create the Texas Board of Chiropractic Examiners, prescribing its qualifications, powers and duties; to provide for the registration, examination and re-examination of applicants and the issuance of licenses and certificates; to provide the qualifications of applicants; to provide for the granting of licenses by reciprocity; to provide that the District Clerk of each county shall keep a record, etc.; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act to amend Article 8293 of the Revised Civil Statutes of Texas, and declaring an emergency."

H. C. R. No. 20, Granting R. L. Johnston permission to bring suit against the State of Texas and the State Highway Department of the State.

H. C. R. No. 30, Granting A. W. O'Neal permission to sue the State of Texas and the State Highway Department.

Report of Standing Committee

By unanimous consent, the following committee report was submitted at this time:

Senator Jones submitted the following report:

Austin, Texas,
April 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 455, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senate Resolution 139

Senator McDonald offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Lindale High School, Lindale, Texas, accompanied by their superintendent, Mr. D. D. Stringer; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and, now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate; and that each member of this class be furnished with a copy of this Resolution.

The resolution was read and was adopted.

Session for Local and Uncontested Bills

On motion of Senator Lane, the Senate agreed to hold a session for the consideration of local and uncontested bills at 10:00 o'clock a.m. tomorrow.

Recess

On motion of Senator Morris, the Senate at 3:30 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

In Memory of
Judge George C. O'Brien

(Senate Resolution 136)

Senator Cousins offered the following resolution:

Whereas, An August 8, 1947, our Almighty God called from his earthly existence Judge George C. O'Brien of Beaumont, Texas; and

Whereas, Judge O'Brien has been identified with the practice of law in Beaumont for more than fifty years, being a son of a distinguished Beaumont lawyer, Captain G. W. O'Brien; and

Whereas, Judge O'Brien received his education at Woodville College and graduated from the University of Texas in 1886; and

Whereas, He served as Jefferson County Attorney and Beaumont City Attorney, and for a time held these offices simultaneously; and

Whereas, He served in the Texas State Legislature during the Twenty-seventh Session and the Thirty-fifth Session; and

Whereas, He served as Jefferson County Judge, and in 1923 through 1938 served as Judge of the 58th District Court; and

Whereas, He was one of the most outstanding citizens of Texas; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the services and useful life of Judge O'Brien, and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the immediate family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen; that a page be set aside of the Senate Journal as memorial to him; that a copy of this Resolution be mailed to the members of the family of the deceased.

COUSINS.

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Harris the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.